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County Hospitals and Dispensaries, Establishment and Maintenance of—School for Tuberculous Children. (Act Mar. 26, 1913.)

SECTION 1. The commissioners' court of any county shall have power to establish a county hospital and to enlarge any existing hospitals for the care and treatment of persons suffering from any illness, disease, or injury, subject to the provisions of this act. At intervals of not less than 12 months, 10 per cent of the qualified property taxpaying voters of a county may petition the commissioners' court of such county to provide for the establishing or enlarging of a county hospital, in which event it shall be the duty of said commissioners' court within the time designated in such petition to submit to the property taxpaying voters of the county either at a special or at a regular election the proposition of issuing bonds in such aggregate amount as may be designated in said petition for the establishing or enlarging of such hospital; and whenever any such proposition shall receive a majority of the votes of the qualified property taxpayers voting at such election, said commissioners' court shall establish and maintain such hospital, and shall have the following powers:

To purchase and lease real property therefor, or acquire such real property, and easements therein, by condemnation proceedings, in the manner prescribed by the present law authorizing a condemnation of right of way of railroads.

To purchase or erect all necessary buildings, make all necessary improvements and repairs and alter any existing buildings, for the use of said hospital; provided, that the plans for such erection, alteration, or repair shall first be approved by the State health officer, if his approval is requested by the said commissioners' court.

To cause to be assessed, levied, and collected such taxes upon the real and personal property owned in the county as it shall deem necessary to provide the funds for the maintenance thereof, and for all other necessary expenditures therefor.

To issue county bonds to provide funds for the establishing, enlarging, and equipping of said hospital and for all other necessary permanent improvements in connection therewith. And to do all other things that may be required by law in order to render said bonds valid. To appoint a board of managers for said hospitals as hereinafter provided.

To accept and hold in trust for the county any grant or devise of land, or any gift or bequest of money, or other personal property or any donation to be applied, principal or income, or both, for the benefit of said hospital, and apply the same in accordance with the terms of the gift.

SEC. 2. When the commissioners' court shall have acquired a site for such hospital and shall have awarded contracts for the necessary buildings and improvements thereon, it shall appoint five citizens of the county, of whom at least two shall be practicing physicians, and at least one a woman, who shall constitute a board of managers of the said hospital. The term of office of each member of said board shall be two years. Appointments of successors shall be for the full term of two years, except that appointment of persons to fill vacancies occurring by death, resignation, or other cause shall be made for the unexpired term. Failure of any manager to attend three consecutive meetings of the board shall cause a vacancy in his office, unless said absence is excused by formal action of the board of managers. The managers shall receive no compensation for their services, but shall be allowed their actual and necessary traveling and other expenses within the State of Texas, to be audited and paid by the commissioners' court in the same manner as other expenses of the hospital. Any manager may at any time be removed from office by the commissioners' court of the county for cause after an opportunity to be heard.

SEC. 3. The board of managers shall elect from among its members a president and one or more vice presidents, and a secretary and a treasurer. It shall appoint a superintendent of the hospital who shall hold office at the pleasure of said board. Said superintendent shall not be a member of the board of managers, and shall be a quali-

fied practitioner of medicine, physician, or other person specially trained for work of such character. The board of managers shall also appoint a staff of visiting physicians, who shall serve without pay from the county, and who shall visit and treat hospital patients at the request either of the managers or of the superintendent. Said board of managers shall fix the salaries of the superintendent and all other officers and employees within the limits of the appropriation made therefor by the commissioners' court, and such salaries shall be compensation in full for all services rendered. The board of managers shall determine the amount of time required to be spent at the hospital by said superintendent in the discharge of his duties. The board of managers shall have the general superintendence, management, and control of the said hospital, of the grounds, buildings, officers, and employees thereof; of the inmates therein, and of all matters relating to the government, discipline, contracts, and fiscal concerns thereof; and make such rules and regulations as may seem to them necessary for carrying out the purposes of such hospital. They shall maintain an effective inspection of said hospital and keep themselves informed of the affairs and management thereof; shall meet at the hospital at least once in every month, and at such other times as may be prescribed in the by-laws, and shall hold an annual meeting at least three weeks prior to the meeting of the commissioners' court at which appropriations for the ensuing year are to be considered.

SEC. 4. The board of managers may also establish and operate an out-patient department or free dispensary and clinic, at the hospital or in the city nearest to which the hospital is located, with branch dispensaries or clinics in every city or town in the county of 5,000 population and over, and they shall appoint a physician or physicians who shall serve at such dispensaries or clinics, and shall determine the amount of time required to be spent at such dispensaries or clinics by such physicians, and shall fix the salaries, if any, of such physicians. Said board of managers shall also appoint one or more trained visiting nurses to serve in connection with each such dispensary or clinic, and in connection with the hospital, and shall fix their salaries, within the limits of the appropriation made therefor by the commissioners' court.

SEC. 5. The board of managers may also establish, at the hospital or in the city nearest to which the hospital is situated, or in the largest city in the county, a special and separate school for the education, care, and treatment of children suffering from tuberculosis. Said school shall be conducted as a branch of the hospital and the pupils and inmates of said school shall be considered as inmates of the hospital and subject to all the provisions of this act. Said board of managers shall appoint a teacher or teachers, specially qualified, to instruct and care for the pupil-inmates of said school. Said board of managers shall delegate the superintendent of the hospital, a member or members of the staff of visiting physicians, a physician or physicians in attendance upon any county dispensary, or shall employ a physician to attend the inmates of said school, and to supervise their care and treatment, and shall delegate one of the hospital nurses, or a visiting nurse, or shall employ a nurse to assist in the care and treatment of said pupils.

SEC. 6. It shall be the duty of the State board of health, from time to time, to make rules and regulations for the care of persons suffering from communicable disease and for the prevention and spread of such diseases, and to prepare circulars, pamphlets, bulletins, and other publications giving information as to the cause, nature, treatment, and prevention of disease. The board of managers shall, from time to time, purchase from the State board of health, at the actual cost of printing, printed copies of such rules and regulations, circulars, pamphlets, bulletins, and other publications, or shall have same printed, and shall send or deliver such copies to all practicing physicians in the county, to all public schools, and to such private schools as request such copies, and to such organizations, churches, societies, unions, and individuals as may present written requests for copies of circulars, pamphlets, bulletins, and such other publications prepared by the State board of health.

SEC. 7. The board of managers shall keep in a book provided for that purpose, a proper record of its proceedings, which shall be open at all times to the inspection of its members, to the members of the commissioners' court of the county, and to any citizen of the county. The board of managers shall certify all bills and accounts, including salaries and wages, and transmit them to the commissioners' court of the county, who shall provide for their payment in the same manner as other charges against the county are paid. The board of managers shall make to the commissioners' court of the county, annually, and at such times as the commissioners' court shall direct, a detailed report of the operation of the hospital, dispensaries, and school during the year, showing the number of patients received and the methods and results of their treatment, together with suitable recommendations and such other matter as may be required of them, and shall furnish full and detailed estimates of the appropriations required during the ensuing year for all purposes, including maintenance, the erection of buildings, repairs, renewals, extensions, improvements, betterments, or other necessary purposes.

SEC. 8. The superintendent shall be the chief executive officer of the hospital, but shall at all times be subject to the by-laws, rules, and regulations thereof, and to the powers of the board of managers.

He shall, with the consent of the board of managers, equip the hospital with all necessary furniture, appliances, fixtures, and all other needed facilities for the care and treatment of patients, and for the use of officers and employees thereof, and shall purchase all necessary supplies, not exceeding the amount provided for such purposes by the commissioners' court.

He shall have general supervision and control of the records, accounts, and buildings of the hospital, and all internal affairs, and maintain discipline therein, and enforce compliance with and obedience to all rules, by-laws, and regulations adopted by the board of managers for the government, discipline, and management of said hospital and the employees, and further rules, regulations, and orders as he may deem necessary, not inconsistent with law or with the rules, regulations, and directions of the board of managers.

He shall, with the consent of the board of managers, appoint such resident officers and such employees as he may think proper and necessary for the efficient performance of the business of the hospital, and prescribe their duties; and for cause, stated in writing, he may discharge any such officer or employee at his discretion, after giving such officer or employee an opportunity to be heard.

He shall cause proper accounts and records of the business and operations of the hospital to be kept regularly from day to day in books and on records provided for that purpose, and shall see that such accounts and records are correctly made up for the annual report of the commissioners' court, as required by section 7 of this act, and present the same to the board of managers, who shall incorporate them in their report to the said commissioners' court.

He shall receive into the hospital, under the general direction of the board of managers, in order of applications, or according to the urgency of need of treatment, any person found to be suffering from any illness, disease, or injury, who has been an actual resident and inhabitant of the county for a period of at least one year prior to his application for admission to said hospital. He shall also receive into the hospital patients sent by the commissioners' court of any adjacent county, which has contracted with the board of managers of the hospital for the care and treatment of its sick and diseased and injured persons, resident in such counties for a period of at least one year. Such patients shall not be received and cared for unless there is sufficient provision for the care of the sick, diseased, and injured of the county in which the hospital is situated. Said superintendent shall cause to be kept proper accounts and records of the admission of all patients, their names, age, sex, color, marital condition, residence, occupation, and place of past employment.

He shall cause a careful examination to be made of the physical condition of all persons admitted to the hospital and provide for the treatment of each such patient according to his need; and shall cause a record to be kept of the condition of each patient when admitted, and from time to time thereafter.

He shall temporarily or permanently discharge from said hospital any patient who shall willfully or habitually violate the rules thereof; or who is found not to be sick, diseased, or injured; or who is found to have recovered therefrom; or who for any other reason is no longer a suitable patient for treatment therein; and shall make a full report thereof at the next meeting of the board of managers; and the said board shall make such final disposition of the case as they may think proper. From the decision of the board of managers there shall be no appeal.

He shall collect and receive all moneys due the hospital, keep an accurate account of the same, report the same at the monthly meeting of the board of managers, and transmit the same to the county collector within 10 days after such meeting.

He shall, before entering upon the discharge of his duties, give a bond in such sum as the board of managers may determine, to secure the faithful performance of the duties of his office.

SEC. 9. Any resident of the county in which the hospital is situated, desiring treatment in such hospital, may apply in person to the superintendent or to any reputable physician for examination, and such physician, if he find that such person is suffering from any illness, disease, or injury, may apply to the superintendent of the hospital for his admission. Blank forms for such application shall be provided by the hospital, and shall be forwarded by the superintendent thereof gratuitously to any reputable physician in the county upon request. So far as practicable, applications for admission to the hospital shall be made upon such forms. The superintendent of the hospital, upon receipt of such application, if it appears therefrom that the patient is suffering from illness, disease, or injury, and if there be a vacancy in the said hospital, shall notify the person named in such application to appear in person at the hospital. If, upon personal examination of such patient, or of any patient applying in person for admission, the superintendent is satisfied that such person is suffering from any illness, disease, or injury, he shall admit him to the hospital as a patient. All such applications shall state whether, in the judgment of the physician, the person is able to pay in whole or in part for his care and treatment while at the hospital, and every application shall be filed and recorded in a book kept for that purpose in the order of its receipt. When said hospital is complete and ready for the treatment of patients, or whenever thereafter there are vacancies therein, admission to said hospital shall be made in the order in which the names and applicants shall appear upon the application book to be kept as above provided, in so far as such applicants are certified to by the superintendent to be suffering from any illness, disease, or injury. No discrimination shall be made in the accommodations, care, or treatment of any patient because of the fact that the patient or his relatives contribute to the cost of his maintenance, in whole or in part, and no patient shall be permitted to pay for his maintenance in such hospital a greater sum than the average per capita cost of maintenance therein, including a reasonable allowance for the interest on the cost of the hospital; and no officer or employee of such hospital shall accept from any patient thereof any fee, payment, or gratuity whatsoever for his services.

SEC. 10. Whenever a patient has been admitted to said hospital from the county in which the hospital is situated, the superintendent shall cause inquiry to be made as to his circumstances, and of the relatives of such patient legally liable for his support. If he finds that such patient or said relatives are liable to pay for his care and treatment in whole or in part, an order shall be made directing such patient or said relatives to pay to the treasurer of such hospital for the support of such patient a specified sum per week in proportion to their financial ability, but such sum shall not exceed

the actual per capita cost of maintenance. The superintendent shall have power and authority to collect such sum from the estate of the patient or his relatives legally liable for his support in the manner provided by law for the collection of expenses of the last illness of a deceased person. If the superintendent finds that such patient or said relatives are not able to pay either in whole or in part for his care and treatment in such hospital, the same shall become a charge upon the county. Should there be a dispute as to the ability to pay or doubt in the mind of the superintendent, the county court shall hear and determine same after calling witnesses, and shall make such order as may be proper, from which there shall be no appeal.

SEC. 11. The resident officer of the hospital shall admit the managers into every part of the hospital and the premises and give them access on demand to all books, papers, accounts, and records pertaining to the hospital, and shall furnish copies, abstracts, and reports whenever required by them. All hospitals established or maintained under the provisions of this act shall be subject to inspection by any duly authorized representative of the State board of health or any State board of charities that may hereafter be created, and of the commissioners' court of the county; and the resident officers shall admit such representatives into every part of the hospital and its buildings and give them access on demand to all records, reports, books, papers, and accounts pertaining to the hospital.

SEC. 12. Wherever a county hospital for the care and treatment of persons suffering from any illness, disease, or injury exists in connection with or on the grounds of a county poorhouse or elsewhere, the commissioners' court shall appoint a board of managers for such hospital, and such hospital and its board of managers shall thereafter be subject to all provisions of this act in like manner as if it had been originally established hereunder. Any hospital which may hereafter be established by any commissioners' court shall in like manner be subject to all the provisions of this act.

SEC. 13. When deemed advisable by the commissioners' court and approved by the State board of health, a county may maintain more than one county hospital for the purpose aforesaid.

SEC. 14. It shall be lawful for any commissioners' court of any county which has no city with a population of more than 10,000 persons, to contract for a period not exceeding one year, with any regularly incorporated society or hospital or municipality within the county maintaining a hospital, or with any other adjacent county, for the care of any or all of the sick, diseased, or injured inhabitants of the county, upon such terms and conditions as they may by agreement think proper. Where a county has established a hospital as required by section 15 of this act, it shall be lawful for the board of managers to contract with any regularly incorporated society or hospital or city or town within the county maintaining a hospital, for the care of some of the sick, injured, or diseased persons applying for admission to the county hospital. It shall be lawful for the commissioners' court of any county to cooperate with and to join the proper authorities of any city or town having a population of 10,000 persons or more in the establishment, building, equipment, and maintenance of a hospital in said city or town, and to appropriate such funds as may be determined by said commissioners' court, after joint conference with the authorities of such city or town as may be necessary, and the management of such hospital shall be under the joint control of such commissioners' court and city authorities.

SEC. 15. Where no provision is made as provided in section 14 and no county hospital is now provided for the purpose aforesaid, or where such provision is inadequate, it shall be the duty of the commissioners' court of each county which now has a city with a population of more than 10,000 persons, on or before December 1, 1913, and of any county which may later have a city with a population of more than 10,000 persons, within six months from the time when such city shall have attained such population, such population to be ascertained by such commissioners' court in such manner as may be determined upon resolution thereof, to provide for the erection of such county

hospital or hospitals as may be necessary for that purpose, and to provide therein a room or rooms, or ward or wards, for the care of confinement cases, and a room or rooms, or ward or wards, for the temporary care of persons suffering from mental or nervous disease, and also to make provision in separate buildings for patients suffering from tuberculosis and other communicable diseases, and from time to time to add thereto accommodations sufficient to take care of the patients of the county. This time may be extended by the State board of health for good cause shown. Unless adequate funds for the building of said hospital can be derived from current funds of the county, available for such purpose, issuance of county warrants and script, it shall be the duty of the commissioners' court to submit, either at a special election called for the purpose or at a regular election, the proposition of the issuance of county bonds for the purpose of building such hospital. If the proposition shall fail to receive a majority vote at such election said commissioners' court may be required thereafter at intervals of not less than 12 months, upon petition of 10 per cent of the qualified voters of said county, to submit said proposition until same shall receive the requisite vote authorizing the issuance of the bonds.

SEC. 16. Where found to be more practicable and when approved by the State board of health, two or more adjacent counties having each a population of less than 15,000 persons may join for the purpose of this act, and erect one or more hospitals for their joint use, under the terms and conditions above set forth for a single county. In such cases such combined counties shall have the same powers, and be subject to the same liabilities as a single county, herein provided for; and the district court in either county shall in such case have the same powers for the purpose of enforcing this act, as are herein provided for in case of single counties.

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